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Firm Profile

Scott + Scott, LLC is a law firm headquartered in the State of Connecticut with offices in Ohio and California engaged in the representation of institutional investors, public and private companies, as well as individuals, in complex litigation. The firm has a significant national practice in antitrust, corporate governance, securities, consumer and business litigation.

The firm prides itself on its continuing dedication to client satisfaction and communication. Founded by alumni of larger firms, our attorneys encourage our clients to share their fiduciary, business and personal philosophies with us. We then invest the time to learn about our clients' operations and interests so that each representation can truly be a collaborative effort. We believe strongly that the practice of law should be conducted in a straightforward and honorable manner. We work hard to ensure that intelligence, preparation and knowledge, as opposed to abusive and often counterproductive gamesmanship, are utilized to achieve the best result for our clients in a cost-effective manner. In so doing, we dedicate ourselves to practicing at the highest legal and ethical standards. We believe that our clients, as well as the numerous established law firms with whom we work and oppose, trust our word and respect the nature of our advocacy.

Scott + Scott regularly works with other firms on major litigation and with firms of only the highest quality and reputation so as to ensure the best representation for our clients. From its inception, the firm has been committed to producing legal work of the highest professional quality. It combines the flexible, informal and cooperative atmosphere of a smaller firm with a sophisticated practice,

involving substantial and challenging legal issues more typically associated with larger firms.

Nature and Character of Practice

The litigation in which we represent our clients is centered upon several primary areas of practice -- securities and corporate governance litigation, antitrust litigation, civil rights and employment litigation and business litigation.

1. Securities and Corporate Governance Litigation.

Scott + Scott is among the leading firms specializing in derivative, securities fraud, financial instrument and other corporate governance litigation. Our securities and corporate governance practice operates on the basis of a simple philosophy -- officers and directors of a corporation should be responsible to their shareholders and the public market. The firm actively litigates securities actions on behalf of defrauded investors and has recovered hundreds of millions of dollars on behalf of those clients. Examples of significant securities fraud cases in which Scott + Scott played an important role include: *Casey, et al. v. The Walt Disney Company* (Superior Court of California, County of Los Angeles); *In Re: Prison Realty Securities Litigation* (United States District Court, District of Tennessee) (settlement approved); *Desmond, et al. v. BankAmerica Corporation, et al.* (Superior Court of California, County of San Francisco); *In Re: Covad Securities Litigation* (United States District Court, Northern District of California); *In Re: FirstPlus Financial Group, Inc. Securities Litigation* (United States District Court, Northern District of Texas, Dallas Division); *In Re: Honeywell International, Inc. Securities Litigation* (United States District Court, District of New Jersey); *Yen, et al. vs. Nortel Network Corporation, et al.*, (United States District Court, District of New Jersey); *Bruno, et al. v. Smartalk Teleservices, Inc., et al.* (Superior Court of California, County of Los Angeles); *In Re: Copper Mountain Networks Securities Litigation* (United States District Court, Northern District of California); *Burnstein, et al. v. Verisign, Inc., et al.* (United States District Court, Northern District of California); *Newby v. Enron Corp., et al.* (United States District Court, Southern District of Texas, Houston

Division); *Moore, et al. v. Halliburton Company, et al.* (United States District Court, Northern District of Texas, Dallas Division); *United Brotherhood of Carpenters Pension Trust, et al. v. Michaels Stores, Inc., et al.* (United States District Court, Northern District of Texas, Dallas Division); as well as *Thurber v. Mattel, Inc.* (United States District Court, Central District of California) (“Mattel Securities Litigation”); *In Re: Priceline Securities Litigation* (United States District Court, District of Connecticut); *Schnall, et al. v. Annuity and Life Re (Holdings) Ltd., et al.* (United States District Court, District of Connecticut); *In Re: 360Networks Class Action Securities Litigation* (United States District Court, Southern District of New York); *In Re: Emulex Corp. Securities Litigation* (United States District Court, Central District of California); *In Re: Sprint Securities Litigation* (United States District Court, District of Kansas); *In Re: Northwestern Corporation Securities Litigation* (United States District Court, District of South Dakota); *Schober, et al. v. Blue Rhino Corporation, et al.* (United States District Court, Central District of California, Western Division); *Garber, et al. v. Pharmacia Corporation, et al.* (United States District Court, District of New Jersey); and *Irvine, et al. v. Imclone Systems, Inc., et al.* (United States District Court, Southern District of New York), in which the firm has been appointed to a lead counsel position.

As part of the firm’s corporate governance practice, we also have been actively involved in a number of derivative actions across the country, including: *In Re: Amerada Hess Derivative Litigation* (Superior Court of New Jersey); *Carroll v. Weill, et al. v. Citigroup, Inc.* (Supreme Court of New York); *In Re: Healthsouth Corporation Derivative Litigation* (United States District Court, Northern District of Alabama, Southern Division); *Knowles, et al. v. Yuen, et al. and Gemstar - TV Guide International, Inc.* (United States District Court, Central District of California, Western Division); *Fidel, et al. v. William Farley, et al.* (United States District Court, Western District of Kentucky, Bowling Green Division); *In Re: OM Group, Inc. Derivative Litigation* (United States District Court, Northern District of Ohio); *Archdiocese of Milwaukee Supporting Fund, Inc., et al. v. Alan J. Lacy, et al. and Sears Roebuck and Co.* (Circuit Court of Cook County, Illinois County Department - Chancery Division); *Bonds, et al. v. William Davidow, et al. and Rambus, Inc.* (Superior Court of California, County of Santa Clara); *In Re: Qwest Communications*

International, Inc. (United States District Court, District of Colorado); *Basser v. Paul A. Frame, et al. and Seitel, Inc.* (United States District Court, Southern District of Texas); and *Camicia, et al. v. U.S. Liquids, Inc.* (United States District Court, Southern District of Texas). As part of our securities litigation practice, the firm is actively pursuing the claims of Delaware County, Pennsylvania in *Delaware County, et al. v. First Union Corporation, First Union National Bank, et al.* (Court of Common Pleas, Delaware County, Civil Division) for failure to remit to Delaware County and all other similarly situated governmental entities in the Commonwealth of Pennsylvania unclaimed monies due and owing from bond issuances over the past thirty (30) years.

Scott + Scott also represents employees of companies. Currently, it represents the employees in cases entitled *Hamner v. Tenet Healthcare Corp.* (United States District Court, Central District of California); *Ogden, et al. v. Americredit Corp., et al.* (United States District Court, Northern District of Texas, Fort Worth Division); *Osborne v. ADC Telecommunication* (United States District Court, District of Minnesota); and *In Re: Global Crossing Ltd. ERISA & Securities Litigation* (United States District Court, Southern District of New York).

2. Antitrust Litigation.

The firm is actively involved in litigating many complex antitrust cases throughout the United States. In such actions, Scott + Scott works to ensure that the markets remain free, open and competitive to the benefit of both consumers purchasing and business enterprises operating in such markets. In addition to traditional price fixing cases, the firm has taken the lead in a number of novel antitrust claims throughout the United States, including a post-Kodak tying case on behalf of individual anesthesia service providers that was captioned as *Red Lion Medical Safety, Inc., et al. v. Datex-Ohmeda, Inc.* (United States District Court, Central District of California) (“Red Lion Antitrust Litigation”). Scott + Scott currently is actively involved in a number of antitrust cases, including: *Thomas & Thomas Rodmakers, Inc., et al. v. Newport Adhesives and Composites, Inc.* (United States District Court, Central District of California) (“In Re: Carbon Fiber Antitrust Litigation”); *Feldman,*

et al. v. Capitol Records, Inc., et al. (“In Re: Compact Disc Minimum Advertised Price Antitrust Litigation”); *In Re: Bromine Antitrust Litigation* (United States District Court, Southern District of Indiana, Indianapolis Division); *Long Travel, LLC, et al. v. Rail Europe, Inc. and DER Travel Services* (United States District Court, Southern District of New York); *In Re: Vitamin Antitrust Litigation* (United States District Court, District of Columbia); *In Re: Microsoft Corporation Antitrust Litigation* (United States District Court, District of Maryland); *Matthews, et al. v. VISA U.S.A., et al.* (United States District Court, Southern District of New York); *Topp Automotive, Inc., et al. v. PPG Industries, Inc., et al.* (United States District Court, Northern District of Ohio); *In Re: Scrap Metal Antitrust Litigation* (United States District Court, Northern District of Ohio); *Saarinen, et al. v. Medical Waste, Inc., et al.* (United States District Court, Southern District of Florida); *In Re: Carbon Black Antitrust Litigation* (Before the Judicial Panel on Multidistrict Litigation); *DRAM Antitrust Litigation* (Before the Judicial Panel on Multidistrict Litigation); and *In Re: Currency Conversion Fee Antitrust Litigation* (United States District Court, Southern District of New York) .

3. Consumer Rights Litigation.

We regularly represent aggrieved consumers in a variety of class action cases pending throughout the United States. In addition to more typical cases involving consumer finance issues, such as *In Re: Providian Credit Card Litigation* (Superior Court of California, County of San Francisco), we actively are litigating cases against a number of health maintenance organizations (“HMO”), including: *Albert v. Physician Health Services of Connecticut, Inc. and O’Brien v. Aetna, Inc. and Aetna-U.S. Healthcare, Inc.* (United States District Court, District of Connecticut); *Medical Society of the State of New York v. Connecticut General Corporation, et al.* (New York Supreme Court, County of New York); and *Granito, et al. v. International Business Machines, Inc.* (Connecticut Superior Court, Judicial District of Middletown). We have also been involved in a number of major consumer fraud cases under state consumer protection laws, including: *Harnage v. Publishers Clearing House* (Superior Court of Connecticut); *Gould v. IDT Corporation* (United States District Court, District of New Jersey); *In Re: Kava Kava Litigation* (Superior

Court of California, County of Los Angeles); *Fischer, et al. v. MasterCard International, Inc., et al.* (New York Supreme Court, County of New York); *Daubitz, et al. v. Northwest Airline Corp., et al.* (United States District Court, District of Minnesota); and *Paton, et al. v. Cingular Wireless, et al.* (Superior Court of California, County of San Francisco).

4. Business and Personal Litigation.

The firm's litigation group represents institutional and corporate clients in a wide variety of litigation, practicing in federal and state courts, both at the trial and appellate levels, as well as in arbitration proceedings and other alternative dispute resolution fora. Our litigation practice for such clients includes intellectual property matters, commercial contract disputes, disputes among principals of closely-held corporations, partnerships and professional firms and restrictive covenant, discharge, and other employment related claims. Upon occasion, we also defend significant criminal matters and represent existing firm clients, on occasion, in significant commercial collection matters, as well as administrative law litigation, including environmental and land use matters. Our domestic relations practice is limited to matters involving equitable distribution of substantial marital property and our personal injury and tort practice is limited to selected actions involving substantial matters and/or matters for existing clients. Finally, upon occasion, our litigators handle insurance coverage litigation, tax court litigation and litigation/arbitrations regarding international trade matters.

Attorneys

As described more fully below, the attorneys in the firm are a diverse and accomplished group, with degrees from a variety of law schools, including the University of Michigan, University of Connecticut, University of Kentucky, New York University School of Law, Quinnipiac University, Temple University, Tulane

University, the University of Washington, and Boston University. Many graduated with distinction and were members and editors of their respective schools' law reviews, moot courts or honor fraternities. Several have served federal or state judicial clerkships. Others hold graduate degrees in law, tax or other disciplines.

Attorneys' Background and Experience

Melvin Scott is a graduate of the University of Connecticut in (B.A. 1950), and the University of Kentucky (M.A. 1953; LLB 1957). He is admitted to practice in Kentucky (now retired), Connecticut and Pennsylvania. Mr. Scott was a member of the *Kentucky Law Review*, where he submitted several articles for publication. He has served as an Attorney Trial Referee since the inception of this program in the State of Connecticut and is a member of the Fee Dispute Committee for New London County. Mr. Scott also formerly served as a Special Public Defender in criminal cases and as a member of the New London County Grievance Committee. Mr. Scott is actively involved in securities, commercial and criminal litigation.

David R. Scott is a graduate of St. Lawrence University (B.A. *cum laude*, 1986), Temple University School of Law (J.D. Moot Court Board, 1989) and New York University School of Law (LL.M in taxation). He specializes in commercial and class action trial work. Mr. Scott's trial work has involved antitrust, intellectual property litigation, commercial litigation and complex securities disputes. Mr. Scott's antitrust litigation experience includes matters dealing with illegal tying, price fixing, and monopolization actions. He has served as co-lead counsel in numerous antitrust and securities class action litigation. Notably, Mr. Scott has served as co-lead counsel in *Thurber v. Mattel, Inc.*; *In Re: Emulex Corp. Securities Litigation*; *In Re: Sprint Securities Litigation*; *In Re: Northwestern Corporation Securities Litigation*; *Irvine, et al. v. Imclone Systems, Inc., et al.*; *Schnall, et al. v. Annuity and Life Re: (Holdings) Ltd., et al.*; *In Re: 360Networks Class Action Securities Litigation*; *Garber, et al. v. Pharmacia Corporation, et al.*; *In Re: Qwest Communications International, Inc. and George Schober, et al. v. Blue Rhino Corporation, et al.* His securities litigation experience includes matters dealing with securities fraud class actions, derivative/corporate governance litigation and representation of start-up technology

companies in private securities litigation. Mr. Scott is admitted to practice in Connecticut, Pennsylvania, New York, the United States Tax Court and many United States District Courts and concentrates his practice in antitrust, corporate governance and securities litigation.

Neil Rothstein is a graduate of Case Western Reserve University (B.A. 1986) and Temple University School of Law (J.D. 1989). He is the partner in charge of the firm's client development and relations department. Mr. Rothstein also is actively involved in evaluating and coordinating the commencement of all new proceedings instituted by the firm. Significantly, on behalf of both institutional investors and individual investors, he has commenced securities, corporate governance and employment proceedings by Scott + Scott against such companies as Goodyear Tire & Rubber Company, Healthsouth Corporation, Tenet Healthcare Corporation, Enron Corporation, Qwest Communications International Inc., Royal Dutch Petroleum Company, Nortel Networks Corporation, Imclone Systems, Inc. and many others. Mr. Rothstein previously worked for a Philadelphia law firm for six years where he practiced commercial litigation, including trial and appellate work. Thereafter, he concentrated his private practice at another law firm solely specializing in securities litigation. He joined Scott + Scott in 1997. He is licensed to practice in Pennsylvania and concentrates his practice in securities and other corporate governance litigation. He represents a number of foundations and other institutions in complex securities litigation.

Edmund W. Searby is a graduate of Dartmouth College (A.B. *cum laude*, 1986) and the University of Michigan (J.D. 1990). Mr. Searby is a shareholder with the firm. He is an experienced trial and appellate attorney both as a federal prosecutor and in private practice. From 1991 to 1996, he served as an Assistant United States Attorney for the Department of Justice in Florida. There, he tried complex criminal cases including mail and wire fraud, money laundering, counterfeiting, and international drug trafficking. He also led significant investigations and prosecutions of national organized crime and large-scale fraud. In recognition of his work, he received letters of commendation from the Attorney General of the United States and the Director of the Federal Bureau of Investigation. Mr. Searby also served as a special prosecutor

with the Office of the Independent Counsel, Washington, D.C. In private practice, Mr. Searby has represented clients in class actions and other complex civil litigation, including antitrust, securities, and multidistrict products liability litigation. Representative matters include the successful defense of a multinational corporation in a jury trial, which after seventeen witnesses and four weeks of trial, resulted in a verdict of no liability for his client. He has also represented companies and individuals subject to federal and state criminal investigations and prosecutions. Mr. Searby has presented on trial practice to the Federal Bureau of Investigation and the Cleveland Bar Association. He is a member of the American Bar Association - Antitrust Section and the Federal Bar Association. He is admitted to practice in Ohio and Illinois.

Arthur L. Shingler III is a graduate of Point Loma College (B.A. *cum laude*, 1989) and Boston University School of Law (J.D. 1995). Mr. Shingler specialized in complex consumer and securities class actions, as well as related shareholder derivative litigation. Mr. Shingler has represented aggrieved consumers in a number of actions which have expanded and clarified consumer interests, varying, for example, from the public's interest in maintaining healthy drinking water to patient-privacy rights. Such cases include *Rothchild v. Tyco Internat. (US), Inc., et al.*, 83 Cal. App. 4th 488 (Cal. App. 4th D.C.A. 2000); *Weld v. CVS Pharm., Inc., et al.*, No. Civ. A. 98-0879F. 10 Mass. L. Rep. 217, 1999 WL 494114 (Mass. Super. Ct. 1999); and *Weld v. Glaxo Wellcome, Inc.*, 434 Mass. 81 (2001). Mr. Shingler is admitted to practice before all courts of the State of California and various United States District Courts.

Anita Meley Laing is a graduate of Ohio University (B.S. *cum laude*, 1963), University of Tennessee (M.S. *summa cum laude*, 1967) and University of Pittsburgh School of Law (J.D. *cum laude*, 1978). She is admitted to practice in California and Pennsylvania (inactive). Ms. Laing was the Notes Editor of the University of Pittsburgh Law Review and has authored articles for publication there and in the legal magazine Trial. Ms. Laing's entire legal career has involved complex commercial and class action cases. Her practice has ranged from representation of employees in nationwide class action discrimination cases, to thousands of individuals who lived

near a major California Superfund site for personal injuries and property damage sustained from exposure to toxic waste emissions, to companies who paid inflated premiums for workers' compensation insurance, to elderly investors in a multi-million dollar Ponzi scheme and purchasers of publicly traded securities at fraudulently inflated prices. Ms. Laing began practicing law with a prominent Pittsburgh, Pennsylvania class action firm and was later a partner for many years at the San Diego office of Milberg Weiss Bershad Hynes & Lerach, LLP.

Deirdre Devaney is a graduate of New York University (B.A. *cum laude*, 1990) and the University of Connecticut School of Law (J.D. with honors, 1998) where she was the Managing Editor of the Connecticut Journal of International Law. Ms. Devaney is admitted to practice in Connecticut, the United States District Court for the District of Connecticut, and in New York. Prior to joining Scott + Scott, Ms. Devaney practiced law for several years at Robinson & Cole LLP, a large regional law firm based in Hartford, Connecticut, where she practiced commercial and probate litigation, as well as trusts and estates. Currently, Ms. Devaney's practice areas include commercial and securities litigation. She is a member of the Board of Directors of The Village For Families and Children, Inc. located in Hartford, Connecticut, and an advisory committee member of the Connecticut Affiliate of the Y-Me National Breast Cancer Organization.

Maria K. Tougas is a graduate of Bowdoin College (B.A. *magna cum laude*, 1985) and Western New England College School of Law (J.D. 1989) where she was a member of the National Moot Court Team. She is admitted to practice in Connecticut, as well as U.S. Court of Appeals. Prior to joining Scott + Scott, Ms. Tougas was a partner at Berman and Sable in Hartford, Connecticut, where her practice encompassed complex commercial litigation, creditor's rights and bankruptcy. At Scott + Scott, Ms. Tougas is actively engaged in complex class action litigation, including securities, consumer and antitrust litigation. She is also focusing on bankruptcy and creditor's rights issues associated with complex class action litigation. Ms. Tougas also actively practices all types of commercial litigation.

Walter W. Noss is an associate with the Firm's Ohio office. His main practice areas include securities, antitrust and complex litigation. Mr. Noss graduated *magna cum laude* from the University of Toledo (B.A. Economics 1997) and with honors from the Ohio State University College of Law (J.D. 2000), where he served as a member of the Ohio State Law Journal. Prior to joining this Firm, he was an associate with Jones Day in the firm's general litigation department.

Karen M. Leser is a graduate of the University of Maryland (B.S. 1997) and Quinnipiac University School of Law (J.D. 2001). Prior to entering law school, Ms. Leser worked as a Civil Engineer for a major land planning and use firm. Ms. Leser also has served as a member of the Yale University School of Law Intellectual Property Practice Group addressing complex issues regarding Internet and Copyright law. Ms. Leser is admitted to practice in Connecticut and is a member of the United States Patent Bar. At Scott + Scott she is actively engaged in the firm's employment, intellectual property and securities litigation.

Donald A. Broggi is a graduate of University of Pittsburgh (B.A. 1990) and Duquesne University School of Law (J.D. 2000). He is licenced to practice in Pennsylvania and currently is engaged in the firm's complex securities, antitrust and consumer litigation practice areas.

Erin Green Comite is a graduate of Dartmouth College (B.A. *magna cum laude*, 1994) and the University of Washington School of Law (J.D. 2002). Prior to entering law school, Ms. Comite was a legal assistant at The White House as well as at the Washington, D.C. based law firm of Arnold & Porter. At Scott + Scott she actively is engaged in the firm's complex securities, corporate governance and antitrust litigation. She is licensed to practice in Connecticut.

Desseta Marsie-Hazen is a graduate of Wellesley College (B.A. 1978), the Woodrow Wilson School of Public and International Affairs at Princeton University (M.P.A. 1980) and the New York University School of Law (J.D. 1987). She is licensed to practice in the Virgin Islands, New York, Florida and the District of Columbia. She currently spearheads all aspects of discovery in the firm's substantial antitrust and securities practice.